

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

1. Applicant/Contact name and address: Andrew Gorder, Clark Fork Coalition  
P.O. Box 7593  
Missoula, Montana 59807
2. Type of action: Application to Change Water Right 76G 30106785
3. Water source name: Racetrack Creek
4. Location affected by project: Racetrack Creek from the Racetrack Lake Dam in the NE of Section 5, T6N R12W, Granite County, to the Cement Ditch headgate in the SESWSE of Section 16, T6N R10W, Powell County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:  
On November 4<sup>th</sup>, 2016, the Applicant submitted Application to Change Water Right No. 76G 30106785 to change the purpose of Statement of Claim No. 76G 91008-00 from irrigation of the historic 775-acre place of use to instream flow protection. The point of diversion for Claim 76G 91008-00 is listed as Racetrack Lake Dam and is located in the NE of Section 5, T6N R12W, in Granite County, and the period of use is listed as May 1<sup>st</sup> to September 30<sup>th</sup>. No acres are proposed to be retired from irrigation, and the historic 775-acre and expanded 111.7-acre place of use will continue to be irrigated with five supplemental statements of claim after this change. The proposed change results in the temporary instream appropriation of 8.33 CFS up to the historic diverted volume of 433.33 AF (less conveyance losses) in Racetrack Creek from the Racetrack Lake Dam to the confluence of the Creek and the Clark Fork River for the purpose of benefitting the fishery resource in the stream. The Applicant will annually coordinate releases from Racetrack Lake with the other storage water right holders to establish a release schedule that has typically coincided with the timeframes during which irrigation water needs necessitate the release of lake water after the first cutting of hay, and with the Montana Department of Fish, Wildlife, and Parks (DFWP) to time releases in order to maximize the benefit to the fishery. The total volume permissible for this beneficial use cannot exceed the historic diverted volume of 433.33 AF (390 AF at the Cement Ditch headgate).
6. Agencies consulted during preparation of the Environmental Assessment (including agencies with overlapping jurisdiction):
 

Montana Natural Heritage Program Montana Department of Fish, Wildlife and Parks Montana Department of Environmental Quality USDA Natural Resources Conservation Service	Species of Concern 2005 Dewatered Stream List 303(d) list of impaired streams Web Soil Survey
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## **Part II: Environmental Review**

### **1. Environmental Impact Checklist:**

#### **PHYSICAL ENVIRONMENT**

##### **WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

The Montana DFWP lists Racetrack Creek, which is tributary to the Clark Fork River, as a chronically dewatered stream (per DFWP Dewatering Concern Areas, May 2005). Streams are classified as chronically dewatered when dewatering is a significant problem in virtually all years. The Applicant is proposing to change a water right for consumptive use (flood irrigation) to a non-consumptive use (instream flow). A 2012 report completed by the Montana Natural Resource Damage Program identifies flow augmentation as a restoration activity that when implemented will improve the fishery of Racetrack Creek. The proposed water right change will not alter existing instream flows and will not negatively impact the stream by way of dewatering.

*Determination:* No negative impact.

**Water quality** - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

The protected reach in this application is located in the section of Racetrack Creek that has some beneficial uses listed as limited by the DEQ. The proposed project will not alter and/or adversely affect water quality in Racetrack Creek. The purpose of the project is to leave water instream for the benefit of the fishery resource and aquatic ecosystem. Flow maintenance resulting from this change in water use will help provide better habitat for aquatic species.

*Determination:* No negative impact.

**Groundwater** - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

*Determination:* N/A as this change in water use does not involve groundwater.

**DIVERSION WORKS** - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

To exercise the instream portion of this right, no new means of diversion or conveyance are needed other than the already established Racetrack Lake Dam and the natural stream channel. There will be no construction that would impact the stream channel, or create a barrier to fish migration. The project will not negatively alter groundwater quality or quantity, therefore well construction will not be impacted. The project will result in flow modifications; however, the end result will be more water flowing in the protected reach to the benefit of aquatic life and the fishery.

*Determination:* No negative impact.

## **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

The Montana Natural Heritage Program was consulted to determine if there are any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern" that could be impacted by the proposed project. The proposed application will require no site disturbances, and the instream flow water right will not result in the loss or negative alteration of any aquatic habitat.

*Determination:* No negative impact.

**Wetlands** - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

*Determination:* Project does not negatively impact existing wetlands.

**Ponds** - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

*Determination:* N/A project does not involve ponds.

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

This proposed change will not result in any negative impact to surrounding soils.

*Determination:* No negative impact.

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

This project will not result in any ground disturbance that could allow for the spread of noxious weeds, or cause any negative change to existing vegetative cover.

*Determination:* No negative impact.

**AIR QUALITY** - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

There will be no source of pollutants associated with the change in water use that will alter air quality.

*Determination:* No impact.

**HISTORICAL AND ARCHEOLOGICAL SITES** - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands.*

There will be no construction or other activities that could degrade unique archeological or historical sites. There are no known unique archeological or historical sites in the vicinity of the proposed project.

*Determination:* No impact.

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

None identified.

*Determination:* No impact.

## HUMAN ENVIRONMENT

**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

*Determination:* No impact.

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

*Determination:* No impact.

**HUMAN HEALTH** - *Assess whether the proposed project impacts on human health.*

*Determination:* No negative impact.

**PRIVATE PROPERTY** - *Assess whether there are any government regulatory impacts on private property rights.*

Yes\_\_\_ No X If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

*Determination:* No impact.

**OTHER HUMAN ENVIRONMENTAL ISSUES** – *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

**1. Impacts on:**

(a) Cultural uniqueness and diversity? None identified.

(b) Local and state tax base and tax revenues? None identified.

- (c) Existing land uses? None identified.
- (d) Quantity and distribution of employment? None identified.
- (e) Distribution and density of population and housing? None identified.
- (f) Demands for government services? None identified.
- (g) Industrial and commercial activity? None identified.
- (h) Utilities? None identified.
- (i) Transportation? None identified.
- (j) Safety? None identified.

**2. Secondary and cumulative impacts on the physical environment and human population:**

Secondary Impacts None identified.

Cumulative Impacts None identified.

**3. Describe any mitigation/stipulation measures:**

No reasonable alternatives were identified in the EA.

**Part III. Conclusion**

**1. Preferred Alternative:** None identified.

**2. Comments and Responses**

**3. Finding:**

Yes\_\_\_ No X Based on the significance criteria evaluated in this EA, is an EIS required?

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:*

An EA is not the appropriate level of analysis for the proposed action because no significant impacts were identified.

*Name of person(s) responsible for preparation of EA:*

*Name:* Danika Holmes

*Title:* Hydrologist/Water Resource Specialist

*Date:* August 5<sup>th</sup>, 2019